MADRAS ACT No. II OF 1888.[1]

[THE [2](MADRAS) PLACES OF PUBLIC RESORT ACT, 1888.]

[12*th April* 1888 ; 31*st May* 1888.]

An Act to provide for the Inspection and Licensing of Places of Public Resort and Entertainment.

Preamble. WHEREAS it is expedient to provide for the inspection of places of public resort and entertainment, and for the licensing of the same by competent authority ; It is hereby enacted as follows :—

Short title. **1.** (1) This Act may be called the [2][Madras] "Places of Public Resort Act, 1888."

[3][. . .]

Local extent. [4](3) It extends to all towns in the Madras Presidency which have been or may hereafter be declared to be municipalities under Madras Act IV of 1884 [5] or other Act of the same nature for the time being in force, and the [6][State Government] may, from time to time, by notification in the [7][Official Gazette] extend it permanently or for a time or for specified occasions only, from such date as may be specified in the notification, to any other local area in the Presidency of Fort St. George outside the limits of the Municipality of Madras, and may cancel or modify any such notification.

Saving. (4) Nothing in this Act shall apply to any church, temple, mosque, or other place of public worship.

Definitions. **2.** In this Act, unless there is something repugnant in the subject or context,—

"Chairman of a Municipal Council" means the Chairman of a Municipal Council appointed under Madras Act IV of 1884,[5] or other Act relating to District Municipalities in the Presidency of Fort St. George for the time being in force.

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[1] For Statement of Objects and Reasons, *see Fort St. George Gazette* Supplement, dated 8th November 1887, p. 19 ; for Report of the Select Committee, *see ibid*, dated 31st January 1888, p. 1 ; for Proceedings in Council, *see ibid*, dated 29th November 1887, p. 5; and *ibid*, dated 27th March 1888, p. 11.

[2] This word was inserted by section 3 (1) of, and the Second Schedule to, the Madras Repealing and Amending Act, 1951 (Madras Act XIV of 1951).

[3] Sub-section (2) was repealed by Part III of the Third Schedule to the Repealing and Amending Act, 1901 (Central Act XI of 1901).

[4] For notifications under this sub-section, *see* the List of Local Rules and Orders.

[5] *See now* Madras Act V of 1920.

[6] The words "Provincial Government" were substituted for the words "Governor-in-Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

[7] These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

"Magistrate" means a Magistrate appointed under the Code of Criminal Procedure. [1]

"Building" includes any house, hut, shed or roofed enclosure.

Licenses for use of enclosed place or building for public resort or entertainment.

[2][3. In any area in which this Act is in force, no enclosed place or building, whether permanent or temporary, shall be used for public resort or entertainment in the following cases, unless a license has been obtained in respect thereof under this Act :—

(*a*) In every case where the area within the enclosed place or occupied by the building is five hundred square feet or more ;

(*b*) In case the area aforesaid is less than five hundred square feet, if the place or building is situated within the jurisdiction of a municipal council or of a panchayat classified by the [3] (State) Government as a major panchayat, and the public are allowed to take part in any game or competition therein.]

Application for license : what it must contain.

4. When any person desires to obtain a license to use any enclosed place or building for public resort or entertainment, or to construct any enclosure or building for such purpose, he shall send an application to the authority named in section 5, setting forth the name of the owner of the place or building, its situation, size and description, the material of which the enclosure or building is made or proposed to be made, whether it is or is proposed to be permanent or temporary, and the purpose for which it is proposed to be used.

Authority to whom application should be made.

5. Such application shall be made to the Chairman of the Municipal Council, if the enclosed place or building is within a municipal town, and in every other case to any Magistrate having jurisdiction over the local area in which the place or building is situated.

The authority shall inspect and may require addition or alteration to place or building.

6. Upon the receipt of any such application, the authority to whom application is made shall inspect the place or building in respect of which a license is required, and may call on the applicant, by notice in writing, to make any alteration or addition in the material or arrangement of the enclosure or building, or in the precautions for the safety of the public to be assembled therein, and may refuse to grant a license until the alteration or addition is made.

When authority to grant license.

7. If the authority is satisfied—

(*a*) that the enclosed place or building may safely be used for the purpose of public resort or entertainment proposed ;

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[1] *See now* Central Act V of 1898.

[2] This section was substituted for the original by section 2 of the Places of Public Resort (Amendment) Act, 1949 (Madras Act XXXVIII of 1949).

[3] This word was substituted for the word "Provincial" by the Adaptation Order of 1950.

(*b*) that no objection, arising from its situation, ownership, or the purpose proposed, exists,

he shall give to the applicant a written license, signed by him, specifying the enclosure or building and the purpose for which it is to be used. Such license shall be in such form and subject to such fee and conditions as the [1][State Government] may from time to time by rule direct.

If the authority is not satisfied as aforesaid, he may refuse to grant a license, recording his reasons for refusal in writing.

License to state period for which it is to be in force.

8. Every license granted under this Act shall state the period for which it is to continue in force, and shall cease to be in force on the expiration of that period.

Revocation or suspension of license.

9. Any authority granting a license under this Act may, for reasons recorded in writing, revoke or suspend the same when he has reason to believe—

(*a*) that the license has been fraudulently obtained ;

(*b*) that the enclosed place or building has been used for other purposes of public resort or entertainment than that for which the license was granted ;

(*c*) that the place or building can no longer be safely used for the purpose for which the license was granted.

Appeal against order under section 6, 7 or 9.

10. (1) Any applicant for a license under this Act may appeal from any order made under section 6, 7 or 9 unless such order has been made by the Magistrate of the district.

(2) The appeal shall be made within thirty days from the day on which the applicant received the order appealed against.

(3) In a municipal town the appeal shall lie to the Municipal Council, and in every other local area to the Subdivisional Magistrate, or if the original order was made by a Subdivisional Magistrate, to the Magistrate of the district.

(4) The appellate authority shall have the same power to inspect and to require alteration or addition in the enclosed place or building as the authority to whom application is made under section 5, and may either grant or withhold the license or make such other order as it thinks fit.

Power to enter place of public resort to inspect license or to prevent further use.

11. It shall be lawful for any Magistrate or officer of Police in charge of a station or of higher rank than head constable to enter at any time any enclosure or building for which license is required under this Act, to inspect the license if any has been issued, and, if there is no license or if the conditions of the license are not observed and if he sees reason to apprehend imminent danger to the public, to prevent the further use of such enclosure or building as a place of public resort or entertainment.

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[1] The words "Provincial Government" were substituted for the words "Governor-in-Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

12. The District Magistrate may call for and examine the record of any proceeding taken under this Act, may call for any report in connexion therewith, may make or cause to be made any further inquiry, and may pass any order which the authority holding the proceeding might have passed. District Magistrate may revise any proceedings under this Act.

[1] [**12-A.** (1) If any entertainment (including a cinematograph exhibition, dance or drama) to which members of the public are admitted, whether on payment or not, is held in an enclosed place or building, then, no person shall, during the prohibited period as defined in sub-section (2), smoke either— Prohibition of smoking in certain places where entertainments are held.

(*a*) on the stage except in so far as smoking may be part of the entertainment, or

(*b*) in the auditorium, that is to say, in that portion of the enclosed place or building in which accommodation is provided for members of the public :

Provided that the State Government may, by notification in the *Fort St. George Gazette*, exempt any class of entertainments from the provisions of this sub-section.

(2) For the pu.poses of sub-section (1), 'prohibited period' means so much of the period commencing thirty minutes before the beginning of the entertainment and ending with the termination there of, asmay fall within the hours which the State Government may, by notification in the *Fort St. George Gazette*, specify in this behalf for entertainments generally or any class of entertainments.

(3) Any person who contravenes the provisions of this section shall be liable to be ejected summarily from the enclosed place or building by any Police-officer and shall also be punishable with fine which may extend to fifty rupees.

(4) A person ejected under sub-section (3) shall not be entitled to the refund of any payment made by him for admission to the entertainment or to any other compensation.]

13. Every person who, having the immediate control of any enclosed place or building, permits it to be used for public resort or entertainment without having obtained a license or, having obtained a license under this Act, permits such use in contravention of any of the conditions of such license, shall be liable, on conviction before a Magistrate, to fine which may extend to five hundred rupees. Penalties.

[2] [**13-A.** The provisions of this Act shall apply to all areas situated within a distance of three miles from the limits of any municipality, as if such areas formed part of such municipality : Act to apply to areas within three miles of municipal limits.

[1] This section was inserted by section 3 of the Madras City Police and Places of Public Resort (Amendment) Act, 1951 (Madras Act XIII of 1951).

[2] Sections 13-A to 13-C were inserted by section 2 of the Madras Places of Public Resort (Amendment) Act, 1947 (Madras Act XXIII of 1947).

Provided that this section shall not apply to—

(i) areas for the time being included within the limits of some other municipality, or

(ii) areas to which this Act has been, or may be, extended by a notification under section 1, sub-section (3), so long as such notification remains in force.

Distribution of income derived by municipalities from outside municipal limits.

13-B. Where, by virtue of section 13-A, a municipal council derives any income under this Act from any area outside the municipal limits, such income shall be distributed between the municipal council and the local authority or authorities having jurisdiction over such area, in such manner as the [1](State) Government may specify in rules made under this Act.

Provision for cases where jurisdiction is transferred.

13-C. Where, by virtue of any notification issued under section 1, sub-section (3), or otherwise, jurisdiction under this Act over any area stands transferred from one officer or authority to another officer or authority, all licenses granted, all orders passed, and all proceedings commenced, in respect of places, buildings and enclosures in such area, by or before the officer or authority having jurisdiction prior to such transfer, shall be deemed to have been granted, passed, or commenced by or before the officer or authority having jurisdiction subsequent to such transfer.]

Power to make rules.

14. The [2][State Government] may, at any time after the passing of this Act, and from time to time, make rules consistent with this Act, for carrying out the purposes thereof, and may amend or cancel the same. All such rules shall be published in the [3][Official Gazette] and shall come into force on the day on which they are so published or on such later date as may be specified in the notification publishing them.

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[1] The word " State " was substituted for the word " Provincial " by the Adaptation Order of 1950.

[2] The words " Provincial Government " were substituted for the words " Governor-in-Council " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[3] These words were substituted for the words " *Fort St. George Gazette* " by the Adaptation Order of 1937.